

INSIDE: January 23, 2012 Town Meeting Minutes

All Village of Arden
residents are encouraged
to attend the next

Town Meeting

Monday, March 26, 2012
7:30 p.m. ~ Gild Hall
2119 The Highway
Arden, Delaware

AGENDA ITEMS WILL INCLUDE:

- Voting for Officers & Committees
- Motion to renew the triannual Cooperative Agreement with New Castle County
- Committee Reports
- Motion to require publishing, in advance of a Town Meeting, any Motion having long-term effects on Town policy or finances.

All are welcome hither

Please note:

Those attending Town Meetings are eligible to vote if they have resided in the Village of Arden six months prior to the Meeting and are 18 years of age, or older.

Election of Committees and Officers at March Town Meeting

Election of Officers and Standing Committees: ballots are distributed at the beginning of the meeting and voting continues until the close of the meeting. Absentee Voting is now available for residents who will be unable to vote in person for any of several reasons. You must submit an Affidavit (a request for an absentee ballot) by March 19. The Affidavit can be downloaded from the Village website, or picked up at the Town Office during regular office hours, or by contacting Registration Chair (475-1976). See detailed information about Absentee Voting at [http://
arden.delaware.gov/](http://arden.delaware.gov/)

A sample Ballot appears on the following page.

BALLOT Arden Village Committees & Officers • March 26, 2012

Nominees are in random order. Blank spaces are for write-ins. Vote by marking an X in front of the name.

Committees electing 2 members. Vote for 2 for each committee.

ARCHIVES vote for 2

- ☐ Michael Falstad
☐ Deborah Ricard
☐ Victoria Gloster
☐ Sadie Somerville

BUDGET vote for 2

- ☐ Dan McNeil
☐ Lynne Svenning
☐ Mary Marconi
☐ Kate Threefoot

BWVC vote for 2

- ☐ Randy Hoopes
☐ Warren Rosenkranz
☐ Elizabeth Varley
☐ Deborah Ricard

CIVIC vote for 2

- ☐ Tom Wheeler
☐ Albert Marks
☐ Ken Sutton
☐ Ed Rohrbach

COMMUNITY PLANNING vote for 2

- ☐ Dan McNeil
☐ Cynthia Dewick
☐ Sally Sharp
☐ Michael Falstad

FOREST vote for 2

- ☐ Katrina Streiff
☐ Joad Kazan
☐ Chris Junk
☐ Roger Garrison
☐ Ed Rohrbach
☐ Debbie Sheiker

PLAYGROUND vote for 2

- ☐ Patrick Barry
☐ Liz Resko
☐ Larry Walker
☐ Dale Tatom

SAFETY vote for 2

- ☐ James Laurino
☐ Tucker Ranc
☐ Steven Threefoot
☐ John DiGiacoma

Officers vote for 1 for each office

ADVISORY CHAIR vote for 1

- ☐ Bill Theis

TOWN ASSEMBLY CHAIR vote for 1

- ☐ Danny Schweers

TOWN SECRETARY vote for 1

- ☐ Liz Resko
☐ Larry Walker

TOWN TREASURER vote for 1

- ☐ David Michelson

Committee electing 1

AUDIT vote for 1

- ☐ Cookie Ohlson
☐ Marvin Sayer

Committee electing 3

REGISTRATION vote for 3

- ☐ Mary Murphy
☐ Elizabeth Varley
☐ Elaine Hickey
☐ Jacqi Tanzer
☐ Beverly Barnett
☐ Cecilia Vore

Election of Committees & Officers at start of meeting. Ballots may be completed throughout the meeting. You must be 18 years or older and a resident of Arden for 6 months or more to vote in this election.

Minutes of the Town Assembly for the Village of Arden
Monday, January 23, 2012
Gild Hall -Arden, DE

59 attendees:

Ray Seigfried	Ed Rohrbach
Elaine Hickey	Beverly Barnett
David Michelson	Larry Walker
Gary E. Quinton	Barbara Macklem
Julia McNeil	Cecilia Vore
Steven Threefoot	Cynthia Dewick
Cookie Ohlson	David Gerbec
Connie McKinney	Ron Meick
Mike Curtis	Debbie Theis
Mary Murphy	Pam Dennis
Hugh Roberts	Rob Bryan
Rodney Jester	John Ware (NV)
Sadie Somerville	Courtney Fisher
Jan Westerhouse	Kate Sayer
Tom Wheeler	Marvin Sayer
Jonathan Claney	Denis O'Regan
Jane Claney	Betty O'Regan
John Cartier, New Castle Co. Councilman (NV)	Danny Schweers
Jim Laurino	Adrienne Roberto
Debbie Ricard	Alton Dahl
M.P. Moon	Laura Wallace
Warren Rosenkranz	Ruth Panella
Marianne Cinaglia	Dorinda Dove
Ruth Bean	Roger Garrison
Elizabeth Varley	Carl Falco
Carol Larson	Katrina Streiff
Sally Sharp	Barbara Henry
David Claney	Esther Schmerling
Lynda Kolski	Liz Resko
Bill Theis	

1.0 Call to Order

Chair Steven Threefoot called the meeting to order at 7:35 PM.

2.0 Minutes

The Minutes of the September 26, 2011 Town Meeting were approved as presented.

3.0 New Residents - None

4.0 Recognition of the Departed

Erwin Roberts, Neal van Duren, Betty Solway Smith, Roy Lipstein, Dorsey Lebeis

5.0 Visitors - John Cartier, New Castle County Councilman

The New Castle County Comprehensive Plan Update, a document that looks to future growth, is submitted to the State government every five years. The draft is now before the County Council and should pass in May or June.

The Hanby Trust is being researched to see all the deeds and covenants that restrict development on that property. I will pass that along to the Arden community.

New Castle County has great financial stability – a AAA bond rating. We are one of the leading green counties in the United States.

There is small grant money available to municipalities at this time.

Questions:

Carol Larson – When will you have information on the Hanby Trust? *Councilman Cartier* – Probably this week.

6.0 COMMUNICATIONS- None

7.0 TRUSTEES REPORT – Connee McKinney

Finances: We have copies of the quarterly financial report available tonight. (See Attached) The land rent bills are being prepared and will be mailed out to leaseholders within the next two weeks. As we have done the last few years, we are also including a detailed breakdown of your individual land rent bill. We revised the detailed breakdown slightly from last year in our on-going efforts to make the bills as clear as possible. Thank you, Mike Curtis, for your time and efforts on that. Also, please note in our financial report, that the \$65,000 check to the Village was sent but had not cleared before this report was generated. Thank you, Carl Falco, for working with the Village Treasurer David Michelson on that.

Lease Transfers: There has been one lease transfer from the September Town Meeting. Welcome to Alex Rudzinski, Jan Roberts and three children (Bella, Zoe, and Grayson) at 2205 Hillside.

Leaseholders: Following up from the September town meeting discussion about the Renzetti leasehold and the flooding of their home: The Trustees have consented to the variance application to the Board of Adjustment for that leasehold for an 8-foot front-yard setback for construction of a new dwelling above the 100-year flood plain line. The New Castle County code is 25 ft. for a front yard setback. The garage will have to be moved or reduced in size to meet the 8-foot setback and be inspected to meet County code, particularly the wiring and the staircase since it was constructed without a building permit and into the setback. Our reason for consenting to the variance application for an 8-foot setback is (1) There are no neighboring leaseholds adjacent to that leasehold; (2) Every leaseholder is allowed an 8-foot side-yard setback; and (3) The leasehold would be unbuildable given the

reduced square footage above the 100-year floodplain line. We were clear in our letter to the Board that, and I quote, “since this setback will be closer to the lot line that abuts our common land, the construction of a new dwelling would have to plan for the safety of pedestrians on the footpath during construction, no parking of construction vehicles in the woodlands, and every effort be made by construction vehicles to avoid damage to the trees along Woodland Lane and the adjacent forest.” The Board of Adjustment hearing is in early February and their decisions are usually public the next day.

If you have any questions or concerns, please contact our assistant Julia McNeil (475-7980 or email Trustees.of.Arden@gmail.com). Or, of course, contact Mike Curtis, Carl Falco, or me.

Questions - None

The Trustees Report Accepted

8.0 TREASURER’S REPORT – David Michelson

David went over the distributed Statements of Financial Position & Activity and the Statement of Special Village Funds. (See Attached)

Questions:

Alton Dahl – Is the budget on the Statement of Financial Activity the full year budget? *David* – Yes. That is from the Referendum.

David made the following Motion:

MOVED

That the officers of the Village of Arden (i.e. Town Chair, Secretary , Treasurer, and Advisory Committee Chair) shall transfer all responsibilities and duties of their office to the resident elected to each respective position by the Town Assembly at the March Town Meeting. This transfer shall happen on or before April 30th following the election. Until such transfer, the Village of Arden Officers shall continue to execute all duties and responsibilities of their respective positions and shall receive the budgeted compensation for the position.

SECONDED

Comments:

Hugh Roberts – What constitutes the transfer? *David* – Probably the signing over of the signatory accounts to the new officers. *Alton Dahl*- Maybe there ought to be a specific act that constitutes the transfer of power. *Chair Steven Threefoot* – A letter could be sent to the Trustees.

MOTION PASSED – Ayes have it.

Treasurer’s Report Accepted

9.0 ADVISORY COMMITTEE – Bill Theis

Bill thanked the Committee Chairs for submitting their nominations for the March elections and distributed the current list of nominees:

Archives	Sadie Somerville
Audit	Cookie Ohlson
Budget	Kate Threefoot
BWVC	Elizabeth Varley, Warren Rosenkranz
Civic	Ken Sutton, Albert Marks, Ed Rohrbach, Tom
Wheeler	
Community Planning	Cynthia Dewick, Sally Sharp, Michael Falstad, Don
McNeil	
Forest	Katrina Streiff, Chris Junk, Debbie Sheiker, Joad Kazan,
Roger Garrison	
Playground	Larry Walker, Patrick Barry, Liz Resko, Dale Tatum
Registration	Deborah Theis, Jacqi Tanzer, Elaine Hickey, Cecilia
Vore, Elizabeth Varley	
Safety	Tucker Ranck, John DiGiacoma
Town Chair	Danny Schweers
Secretary	Liz Resko, Larry Walker
Treasurer	David Michelson
Advisory	Bill Theis

Volunteers from the floor are Bev Barnett for Registration Committee and Ed Rohrbach for Forest Committee.

Cecilia Vore explained the Absentee Voting Procedure. Residents can request an Absentee Ballot by submitting an affidavit which Cecilia had on hand. They will be available at the Town Office during regular Office Hours and it is downloadable from the Town website. The instructions are on the website. The Affidavit does not require information regarding the voter's location on election day. The affidavit can be submitted anytime between now and one week before the election. The requester will receive a ballot as soon as they are ready.

Advisory Committee Report Accepted

10.0 BOARD OF ASSESSORS – Denis O'Regan

Meeting dates and discussion topics are:

February 14 – Factors

March 13 – Lot size

April 10

May 8 – Meeting and public hearing

June 12 – Meeting and public hearing, hopefully with draft assessment

June 19 – if necessary

11.0 Third Reading of the Ordinance on Vacant Dwellings – Ray

Seigfried

Copies of the ordinance were available. (See Attached)

MOVED

That the ordinance for an annual registration fee for vacant dwellings be accepted.

SECONDED

Discussion:

Cecilia Vore – I’m speaking against the Motion. I don’t think it will have any effect on moving along the sale of the leaseholds that have already been vacant for a very long time. I don’t think you can legislate to people who do not choose to sell or occupy their property. There’s already a County Code concerning derelict buildings that are fire and safety hazards. The administration of this will be a headache.

Ed Rohrbach – I don’t see the need for this and don’t see these vacant dwellings as fire or safety hazards.

Tom Wheeler – I am against it. It is modeled after the City of Wilmington ordinance. Wilmington had 24 homicides in 2011. This is overkill for Arden. The Arden homes in question were all inherited. Jan and I have an inherited home many miles away which we maintain with the help of friends and family.

Alton Dahl – I live across the street from a house that has been vacant since 1993. We have been dealing with the runaway shrubbery, and even filed a complaint with the County because of a caved in roof. It was repaired but it is frustrating. I think we should try to see if this ordinance will work.

Roger Garrison – There are three vacant houses within a block of my house. The owners do try to maintain them. I don’t see the need for the ordinance.

Ruth Bean – I live next to a vacant house. There are problems with vacant houses in Arden and the only reason why they don’t become major problems is because we live in Arden and neighbors take care of the problems for the owners.

Elizabeth Varley – I am willing to try it and will vote for it. If it doesn’t work, I’ll be one of the first to suggest we repeal the ordinance.

Cecilia Vore – I have changed my mind and will vote for the ordinance.

Lynda Kolski – I live next door to a building of 5-6 apartments that are never fully rented. One of the apartments is supposedly condemned. What happens when the lease holder does not live in the building or in Arden. *Ray* – They would have to register the one building and the fee would continue until the apartments are rented. The Village Secretary and the Community Planning Committee will administer the registration process.

Marianne Cinaglia – How many of these properties are behind in their land rent? *Trustees* – Not able to answer that question at this time.

Call for the Question:

The ordinance for the annual registration fee for vacant dwellings be accepted.

Hand Vote: 37 For; 13 Against; 1 Abstention

PASSED

12.0 COMMITTEE REPORTS

12.1 Safety – Dave Claney

The safety committee has two positions that are open. Regretfully Bill Theis’s term is up and Pete Renzetti has moved out of town. We would like to thank them both for their services on the committee, and we wish them well. To date we have two individuals willing to run for one position. John DiGiacoma and Tucker

Ranck have both indicated they would be interested in serving. Seth Baker has graciously said he would be happy to serve on the committee as well. At the present time we are in need of a fourth to run, and the safety committee is reaching out to the community. If anyone knows of someone or feels like volunteering with the safety committee, please write to ArdenSafety@theardens.com. Serving on the committee is mostly an advisory position. We are not the ones to call when you should be dialing 911. I would like to organize some form of town watch or patrol, during the summer time of course. And again safety committee would like to extend our appreciation to both Bill and Pete for their service.

Questions - None
Safety Committee Report Accepted

12.2 Registration –Cecilia Vore

Cecilia read the following report:
The Registration Committee conducted the annual Budget Referendum and election of the Board of Assessors, plus a special referendum on the Assessment. Ballots were counted on Wednesday, Nov. 2, 2011. To our best calculation, there were 323 residents eligible to vote in these elections. We received 216 valid envelopes containing ballots; There was 67% participation.

Budget Referendum

Under the rules for approval, the budget needed 162 yes votes to pass. Every item on the budget was approved. The votes in detail are as follows: 157 votes for “Approve Entire Budget,” 3 “Disapprove Entire Budget” and 51 ballots with itemized disapprovals. There was 1 invalid ballot. The town secretary was given a copy of the final tally for all items for the records. These individual **disapprovals** were as follows:

Advisory Committee	2	Safety- Speed Enforcement.	17
Archives	11	Buzz Ware Support	11
Board of Assessors	3	Donations - ACRA	3
Capital, Maintenance & Repair	22	Donations - Arden Page	1
Civic Committee	2	Donations - Arden Library	5
Community Planning	1	Donations - Fire Companies	4
Forest Committee	8	Donations – Arden Club	9
Playground Committee	13	Contingencies	24
Registration Committee	1	<i>Any item needed 47 disapprovals to be defeated</i>	
Safety Committee: General	1		

Board of Assessors Election

The following residents were elected to the Board of Assessors in order: Gary Quinton (convener). Also elected (in this order): Denis O'Regan, Bill Theis, Alan Burslem, Brooke Bovard, Warren Rosenkranz and Tom Wheeler.

Assessment Referendum

We received 207 ballots in this referendum. 162 votes were required to approve an assessment. Results were as follows:

Assessment from (majority of) Board of Assessors	79
Alternate assessment from Sept 25 Town Assembly	126
Abstain	1
Invalid (blank ballot)	1

Neither Assessment was approved.

Election results were posted on town bulletin boards and the town website. Election officials were Registration Committee members Jacqi Tanzer (chief elector for this election), Ruth Bean, Barbara Henry, Debbie Theis and Cecilia Vore, plus town secretary Elaine Hickey. Thank you to David Michelson, Bill Theis, Steven Threefoot, Elizabeth Varley for additional help.

Committee Elections

The Registration Committee will conduct the Election of Officers and Standing Committees at the March Town Assembly. The election will be held by secret ballot at the beginning of the meeting, and voting will continue throughout the meeting. Residents who have lived in the village for at least 6 months and are 18 years or older on the night of the election are eligible to vote.

Absentee Voting is now in place for this election. Residents can request and absentee ballot by submitting an Affidavit, which is available at the meeting tonight, at the Town Office during regular office hours, and from the town website.

Questions:

Lynda Kolski – If neither Assessment was approved, then we have no Assessment? *Cecilia* – We have the last approved Assessment which was the previous year's Assessment. *Lynda* – Which was the same as the alternate Assessment?

Steven Threefoot – No. Those numbers are not the same.

Registration Committee Report Accepted

12.3 Playground – Larry Walker

Since the last Town Meeting, the required Playground Equipment Inspections were held, and all equipment was adult tested. The equipment is in safe condition. The Committee extends sincere thanks to Tom Wheeler for renovating the two tables in front of the BWVC, and the two table look great.

The "Fall Zone" area under the swing set at the Green Lane end of the Village Green was renovated, and inside the perimeter barriers a layer of "wood carpet" one foot deep was installed. This project was funded by the Schroeder Bequest, and the Playground Committee is very appreciative of the opportunity to improve the overall safety of the Town's Playgrounds.

The Playground Committee has strived to maintain a thick layer of "wood chips" under all playground equipment to provide a soft surface for a child to land on when there is a fall, and that is the most effective measure to minimize playground injuries. Each year the Committee has replenished the bed of shredded wood, and the softness is readily apparent when one walks on the "Fall Zones"

under the equipment. A random check of the actual depth of the wood chips was made under the Double Humpty on the Village Green and under the Monkey Bars on the Sherwood Green, and in both cases it was observed that only the top three to four inches of the depth was wood chips. Over a period of years, the wood chips underneath had decomposed, leaving the bottom eight inches as a very thick bed of soft humus, and though this is quite shock absorbent, it is not nearly as effective as wood chips. To restore the maximum "shock attenuating" effectiveness of these playground surfaces, the humus and remaining chips should be removed, and new chips installed so that all areas have a one foot thick landing surface. Because of budget constraints, the Committee will work at renewing the Fall Zone of one piece of playground equipment each year, and the yellow Double Humpty on the Village Green will tentatively be the first area to be renovated in the coming budget year.

Our best defense against any possible law suits is to show that we are not negligent. When we see a problem we show that we are working at doing something about it.

Questions: None

Playground Committee Report Accepted

12.4 Forest - Elizabeth Varley

Grant Reports

2011 Tree Management Grant: In a cooperative effort between the Forest and Civic committees, work is complete on the 2011 Tree Management Grant. On the Green, we removed two large poplars that were struck by lightning, three damaged trees on forest land and locusts tangled in phone lines on Meadow Lane. The funds supplied by the state equal \$3500 matched with funds from the Civic and Forest budgets.

Schroeder Grant: Clearing of invasive plants at Marsh and Millers Roads continues by Greg Gagliano from Red Tail Restoration. This will prepare the site for planting with native shrubs this spring.

Invasive Plant Management: This Fall, we received a grant of \$4000 from the Urban Forestry Department of the DE Department of Agriculture for invasive plant removal to be matched by the Schroeder Grant, budget expenditures and volunteer hours. This grant coincides with a grant to Ardentown for \$4000 and a grant to Ardencroft for \$1000. This has been coordinated with the "kNow Ivy" effort to remove English ivy from leaseholds, public trees and forest areas. Please watch the Arden page for "Ivy League Party" events that are being held to attack blighted areas. The next party will be on February 25 at 1 pm at Maura Lynch and Barbara Conway's house to remove ivy at their leasehold and near the top of the I-95 ramp. We need some Arden leaseholds to participate in this All-Arden effort, so....If your leasehold is adjacent to the forest, we strongly suggest hosting an ivy party if your leasehold is infested. (you know who you are). At minimum, a host will allow access to their leasehold to get to Ivy. A maximum effort would include access to bathroom facilities, warmth, and goodies. We're keeping track of hours since the work can be counted as volunteer efforts to match our grant funds. At the January party, eleven neighbors showed

up to work! New Resident Alex Rudzinski has taken a lead in the creation of the Ivy League. If you would like assistance on your leasehold, you can contact him at rudz-inskiah@gmail.com. We are profoundly grateful for his participation and efforts.

Ivy Battles continue! Americorps is coming three weeks in March to work in all the Ardens and adjacent areas of the Naaman's Creek Watershed Association in an effort spearheaded by Mariane Cinaglia and Elaine Schmerling. We are looking for support for the workers – baked goods and snacks will help! More info coming in the page.

Additional Invasive Plant Removal: Norway maples throughout the woods have been marked with red paint for later removal this winter (in case you wondered).

Permits for forest use (Indian Circle) can be taken off the Arden web site at www.arden.delaware.gov. We do need to keep track of these. If you have recurring events in the woods every year you need to get a permit for each occurrence.

Arbor Day: National Arbor Day is April 27. Watch for a tree planting effort that weekend – we will have native seedlings and saplings for purchase at the Arden Club Dinner Saturday night, April 28. We will emphasize plants whose mature height will fit under power lines.

Spring Forest Clean up with Christina Watershed and Naaman's Creek Watershed is Saturday April 21, 2012. Meet at the Buzz for treats and head out to clean our forests.

Water run-off and erosion: Please be aware that the best practice for storm water management is not to direct it to our waterways. Rapid runoff results in pollution from animal waste, fertilizers, pesticides and contaminants from driveways (impervious surfaces) as well as flooding and reduced available groundwater. Best practice would be to manage the water in place with rain barrels, rain gardens, reducing impervious surfaces with permeable parking areas, green roofs, and dry wells to slow flow of water so that it can seep into the ground and recharge the ground water. We know this is a shift from common beliefs, but the creeks can't handle more excess run-off, and that's why we're losing trees and houses along the creeks.

We continue to trace the excess runoff and Marianne Cinaglia is making efforts to get more response to our problems from the folks upstream. We'd be happy to discuss best management practices for storm water management and hope to sponsor some educational forums on the issue. Very helpful brochure: www.delawareestuary.org/pdf/HomeownersGuideSWmgmnt.pdf

No dumping in the Woods! ChristmasTree Recycling centers announced in the News Journal today – last day for free recycling is January 27. Closest location is Holland Mulch 135 Hay Road, Fox Point M-F 7:30 – 4 Sat 7:30 – noon.

DelMarVa line clearing is to take place in February and March. Information and maps are available on the info table.

Our next meeting will be on the first Monday in March.

Questions:

Roger Garrison – About 1 ½ years ago a tree fell across Perkins Run on the creek bed and is creating problems by damming the water. There are also trees down on the Buckingham Greene side. *Elizabeth* – Thank you for reminding us. It will go on our list of priorities.

Councilman John Cartier – The County is required by law to maintain free flowing streams. It is the State's Forest crew responsibility to clear out any obstructions. We can give you assistance with that.

Denis O'Regan – What can a leaseholder do if we see Delmarva improperly cutting and trimming a tree that, in their opinion, is in the lines but not obstructing the lines? *Carol Larson* – Tom Wheeler and I have been in contact with Delmarva about this and they described what they have to do to get the branches away from the lines. I am not sure there is a lot we can do.

Rodney Jester – It is a safety issue. You can talk to them, but their job is safety first. They don't tend to trim the ornamentals that aren't going to get up to a primary line. The larger trees are a hazard.

Marianne Cinaglia – I found that if you are out there and introduce yourself and tell them you are interested in doing a good job, they do tend to do a good job.

Forest Committee Report Accepted

12.5 Community Planning – Ray Seigfried

Our request for exception to the County Code on Fallen Branches and Parking on Non-hardened Surfaces let the Council to ask us for compelling reasons as to why we deserve exception. Councilman John Cartier has worked with us on this. We were able to give them our long Forest Stewardship program of the Forest Committee. The County attorney was able to turn that into a special Ordinance for us.

The body of the ordinance basically says that fallen trees and branches, limbs, etc. shall not be considered rubbish or debris in incorporated areas that have adopted a Forest Stewardship program to return fallen trees and branches to organic matter.

Discussion:

Councilman John Cartier – This will give incorporated areas the enforcement power over trees, limbs and branches. This is not an exception to the code. It simply grants a municipality the power of that enforcement role and standard back to the municipality. Tomorrow evening we hope to get the votes to enact this ordinance. It is Ordinance 12-006. Regarding the issue on parking on non-hardened surfaces, that has been placed on the back burner.

Alton Dahl – Is gravel considered a hardened surface? *Councilman Cartier* – Yes.

Ed Rohrbach – What is the reason for requiring cars to park on hardened surfaces? *Councilman Cartier* – It goes back to trying to prevent oil, anti-freeze, etc. from dripping directly into the ground. *Ed* – These things are still going to run off hardened surfaces into the environment.

Memorial Garden – Ruth Bean

The Memorial Garden clean up scheduled for May 5 (rain date May 6).

Community Planning Committee Report Accepted

12.6 Civic – Tom Wheeler

- We approved requests from John Scheflen regarding his leasehold access from St. Martins.
- We repaired and replaced BWVC picnic tables.
- We removed two trees, one on the green, and one on a nearby right of way using a matching state grant in conjunction with the forest committee.
- We repaired an unpaved section of Meadow Lane where the large oak tree fell. We dug out the roots under the roadway, filled it in and compacted it. Paving has been deferred to allow for settlement.
- Hydrant markers were installed by the committee. This was done to assist the snow plow contractor keep the areas free in a snow emergency.

Questions:

Hugh Roberts – Would like to suggest the Civic committee look at the town's insurance policy to see if we'd have problems if someone has an accident due to unplowed streets.

Ruth Panella – When will leaves along the streets be cleaned out? Storm drains have been cleaned out by leaseholders but there are just too many leaves that are not dealt with. Tom – A contract has been awarded. The work hasn't been done yet. We are working on it.

Lynda Kolski – The sand barrels that are on the street need to be placed on their sides so the sand can come out freely.

Civic Committee Report Accepted

12.7 Buzz Ware Village Center – Warren Rosenkranz

- Had about 90 people at the annual New Year's Day Brunch
- The EECBG (Energy Efficiency and Conservation Block Grant) program is still in progress.
- New boilers have been installed and pipes insulated
- LED lighting should be installed in the next 2-3 weeks
- Waiting for approval from the electric company for the line drawings on the electrical for the photovoltaic panels

MOVED

I move that the Buzz Ware Village Center have a contracted Building Manager. The Building Manager's responsibilities are to:

- Interview prospective renters
- Explain the rules and procedures of the BWVC
- Arrange for any ancillary custodial work to be done at the renter's expense
- Monitor room conditions before and after a rental
- Keep a log of the renters
- Maintain a file of contracts and track payments
- Maintain, publish and post the BWVC calendar
- Monitor the BWVC voice mail
- Schedule and supervise BWVC custodian. Oversee and guide the custodian on building maintenance as well as advise custodian of renters' special needs.

- Oversee and track routine expenses for building maintenance.
- Track time sheets of the BWVC custodian.
- Coordinate BWVC improvements with committee guidance, including tracking donations to the BWVC of furniture, lamps, etc.
- Track access of non-renters to the building.
- Act as the liaison between BWVC, ACRA and the Arden Club, for coordination of parking, parking directing, facilities usage and other arising issues.
- Act as a liaison between the standing committees of the Village of Arden and Village of Ardencroft for all issues including scheduling, set up, and take down of the rooms.

This position currently requires approximately 30-35 hours a month. The 2011 rental revenue base is \$18000. Without a dedicated building manager handling these daily processes, the estimated revenue could quickly revert to the pre-2005 annual rental revenue of \$3000. The efforts of the building manager helped increase current annual rental revenue by about \$15000. Compensation, 10% of the rental income, an industry standard, shall be payable on the 15th of each month predicated on the rental income of the previous month, with a minimum payment of \$200 per month. The building manager position is an annual contract. The building manager will carry property manager liability insurance.

SECONDED

Questions –

Alton Dahl – The salary works out to be roughly \$150/month? *Warren* - \$200/month. *Alton* – It says 10% or \$200/month. *Alton* – There are a lot of responsibilities and you'd have to think about whether that is a comparable salary. *Warren* – We went with that because the Village is very prudent.

Cecilia Vore – If 10% of the current rental comes out to \$180/month but the manager will be paid at least \$200/month what is the incentive to get more rentals?

Warren – We are thinking they would want to get more than \$200/month

Lynda Kolski – Who's going to pay for the property manager liability insurance? *Warren* – the contractor

Alton Dahl – How much does that insurance cost? *Warren* – I have called some companies but not have heard back from them. *Alton* – It seems like the specifics on the salary will be set in stone once we pass this. I propose an amendment to the Motion so that it says “I move that the BWVC has the authority from the town meeting to negotiate a contract for a building manager based on the concepts listed below”

SECONDED

Amendment PASSED –Ayes have it

Questions –

Roger Garrison – What does it mean by “track access of non-renters to the building?” *Warren* – When there are visitors to the building, who are not renters, we need to know who they are and when they come and go.

Rodney Jester – What percentage of building users are not renters? Would the Village not have the use of the building if the property manager has the incentive to give renters priority? *Warren* – 95% of our requests are for Friday, Saturday, and Sunday rentals.

Ruth Bean – I am uncomfortable with this idea. This is a committee of 5 people. And the members of the committee used to take care of all these things. There are other committees where the members do an incredible amount of work for the Village.

Jim Laurino – This is 10% of the gross, correct? *Warren* – Yes. *Jim* – Who sets the rental rates? *Warren* – The committee gives guidelines for the building manager to set the rates.

Gary Quinton – Is this a contract position or is it a position where compensation comes from Arden people? *Warren* – It is a contract position.

Call for the Questions

“It is MOVED that the BWVC has the authority from the town meeting to negotiate a contract for a building manager based on the concepts listed below” (See original Motion)

PASSED – Ayes have it with a few abstentions.

Buzz Ware Village Center Report Accepted

12.8 Budget – Gary Quinton

We have little to report at this time. Budget activities pick up pick in late winter. We want to thank Jack Dolmetsch for his many years of service to our committee. He will not be running for the committee this year and we have three openings for nominees.

Questions – None

Budget Committee Report Accepted

12.9 Audit – Cookie Ohlson

On January 12, the Audit Committee performed a random audit on Arden's books. All was found to be in order. For years the Buzz Ware Committee books were not under the auspices of the Arden Audit Committee. Now that they are, on January 12, the Audit Committee also reviewed the Buzz's books for the year of 2011. They, too, were found to be in order.

Questions - None

Audit Committee Report Accepted

12.10 Archives – Barbara Macklem

Please join us in welcoming our new curator, Robin Valencia. Among other things, Robin has been very active in getting the Archive up to speed digitally, which includes upgrading our accession software, updating our Facebook page, and creating a new blog.

The Archives Committee, in partnership with Steven Threefoot, Town Chair, and the Scholars Guild of the Arden Club, presented the Hamburger Lecture on

Community this month. In a very well-attended presentation, Dr. Patricia Monaco and 2 of her students from the Temple University Mosaic Program spoke on whether Arden is, or is not a utopian community. Answer: It is! Thanks to Aaron and Sally Hamburger for the generous support that made this program possible.

On April 15th we will hold an “Arts & Crafts Architecture” lecture given by Jim Massey who writes for “Old House Journal” within the last 6 months he did an article in that journal which featured Arden architecture. We have copies at the Museum.

Questions:

John Ware – I am Buzz Ware’s grandson. I live in CA now but my wife and I are looking to move back to Arden. I was born here and raised on Walnut Ln. I have a treasure trove of archives for Arden since Terry [Colgan] and my grandfather died.

Alton Dahl – I just want to report that the Craft Shop finances are stable. We put a new roof on one of the apartments. Rents are taking care of the mortgage and the expenses

Archives Committee Report Accepted

13.0 OLD BUSINESS

13.1 Motion on Table – To require two nominees for election of Town officer positions

SO MOVED

Town Chair read the Motion:

Due to the increased executive powers assigned to the Town Officials, I move that all open elected positions require no less than two times the number of candidates as there are open positions. Therefore, the positions of Chair of the Town Assembly, the chair of the Advisory Committee, the Town Secretary and the Town Treasurer each require a minimum of two qualified candidates for each position. The current policy has two candidates for each open position in the standing Committees.

Discussion:

Cecilia Vore – Speaking against the motion. We already have the opportunity to nominate more than one person for these positions. It is already very difficult to find even one nominee for these positions let alone two. What would happen if we didn’t get them? It is a little easier to find committee member nominations but even Warren Rosenkrantz who is on the BWVC Committee has not yet provided those nominations for the upcoming election.

Mike Curtis – I am for the motion. I think we should have consistency.

Ray Seigfried – I can see both sides. I would like to amend the motion by saying that we will “strive towards getting two nominees for the officer positions but not mandate it.”

SECONDED

Discussion:

Alton Dahl – Who is responsible for striving to get two Officer nominees?
Cecilia –The Advisory Committee.

Warren – I am against the amendment. If we don't mandate, it will get swept under the rug.

Hugh Roberts – Who enforces the mandate? *Cecilia* – You cannot force the Chairs of the Committees to go out and recruit people. It eventually gets done because people see that the Committee would have to function with fewer people.

Call for the Question

We will amend the Motion with “strive towards getting two nominees for the Officer positions but not mandate it.”

Hand vote:

In favor – 23; Opposed – 20; Abstentions – 4

Amendment PASSED

Discussion:

Dennis O'Regan – I am against the Motion. If it aint broke don't fix it. Nominations are already always open. We don't need to encumber ourselves with this requirement.

Call for the Question:

Due to the increased executive powers assigned to the Town Officials, I move that we strive towards getting two nominees for the Officer positions but not mandate it for all open elected positions. Therefore, the positions of Chair of the Town Assembly, the chair of the Advisory Committee, the Town Secretary and the Town Treasurer each require a minimum of two qualified candidates for each position. The current policy has two candidates for each open position in the standing Committees.

NOES have it

Motion DEFEATED

13.2 FEMA Flood Insurance

Bev Barnett - After the September Town Meeting I asked the Community Planning Committee to investigate Arden's participation in FEMA Flood Insurance. *Ray Seigfried* – Yes, you did and unfortunately we did not do that. We will look into it.

14.0 NEW BUSINESS

14.1 Posting Town Meeting Minutes - Marianne Cinaglia

MOVED

To require the draft minutes of Meetings of the Town Assembly be posted on the Village of Arden website no later than three weeks after the Meeting of the Town Assembly occurs.

SECONDED

Discussion:

Marianne Cinaglia- This will insure that the Members of the Town Assembly have access to the issues raised and decisions both made and pending in ample time to research an issue of interest. This will also address the concern voiced in the discussions on absentee voting that people who miss the meetings are not informed of current issues being considered by the Town Assembly

Danny Shcweers – I am in favor of the Motion. Recently the Minutes have been on the website within a month. This has not been required.

Ruth Bean – Could this information be put in *The Arden Page* so that people who are interested can go to the website and find it?

Lynda Kolski – I am in favor of the Motion because even though we have been receiving them in a timely manner for the last few years that hasn't always been the case. I think we should have a guideline for getting them out as early as possible.

Elizabeth Varley – I would be against this as a mandate but for it as a guideline.

Alton Dahl – I'd like to amend the Motion by replacing "to require" with "the Town Meeting expects that..."

SECONDED

Discussion:

Linda Kolski – I am against that amendment because when you say "expects", that doesn't put any emphasis on having to get it done.

Denis O'Regan – I'm in favor of the amendment. I think the word "expects" communicates what we really want. Mandating could cause a difficult situation.

Call for the Question:

"The Town Meeting expects that the draft minutes of Meetings..."

Amendment PASSED - Ayes have it

Chair Steven Threefoot – All in favor of the Motion as amended?

Motion PASSED as amended – Ayes have it

14.2 Pre-Town Meeting publishing of items that require a vote - Marianne Cinaglia

MOVED

To require Committees or residents to publish items, that require a vote at the Meeting of the Town Assembly,

- with the Agenda for the Meeting of the Town Assembly/Minutes of Previous Meeting or
- by posting them on a designated site on the Village of Arden Website at least 48 hours before the beginning of the Meeting or
- by hand delivering copies to residents' homes at least 48 hours before the beginning of the Meeting.

Chair Steven Threefoot – Point of Order. I am not sure we can mandate that if we function by Roberts Rules of Order. Is there a Second to the Motion?

SECONDED

Discussion:

Marianne - This will insure that the Members of the Town Assembly have access to issues in ample time to ask pertinent questions at the meeting before the vote and to make an informed decision on vote.

Alton Dahl – Are you saying that we just need to get the subject that will be discussed on to the Agenda? *Marianne* – I think the entire Motion should be on the Agenda. *Steven Threefoot* – The Motion does not say that.

Ray Seigfried – I would vote against this. We already have the Freedom of Information Act requirements. I don't see any reason to go above and beyond those.

Denis O'Regan – I'm against this Motion. New Business is New Business.

Hugh Roberts – I'm against this. This is the third "requirement" of Town residents this evening. I MOVE that we table this Motion until it has been properly researched.

SECONDED

PASSED – Ayes have it.

15.0 GOOD & WELFARE – None

16.0 Meeting Adjourned – 9:19 PM

Respectfully submitted-

Elaine Hickey

Secretary

Town of Arden

Attachments

Trustees of Arden
Quarterly Report
December 24, 2011

Assets	
Arden B&L	\$148,978.88
M & T Checking Account	96,497.45
Vanguard Bequest Funds	229,400.88
Vanguard Village Reserve	<u>4,424.78</u>
Total Current Cash & Equiv	\$479,301.99

Income	
Land Rent & Related Income	\$579,382.24
Investment Income All Sources	<u>8,442.87</u>
Total Income	\$587,825.11

Expenses	
New Castle County	358,066.16
Rebates	21,008.39
Village of Arden	102,400.00
Insurance	8,717.00
Third Party Audit	3,750.00
Third Party Bookkeeping	1,753.52
Third Party Legal	0.00
Third Party Engineering/Other	0.00
General Administration	<u>8,271.93</u>
Total Expenses	\$503,967.00

Trustee: Mike Curtis

Admin. Asst: Julia McNeil

UNAUDITED
FOR DISTRIBUTION
AND DISCUSSION
PURPOSES ONLY
FOR ARDEN
TOWN ASSEMBLY

Village of Arden
Statement of Financial Position
As of January 21, 2012

Checking/Savings	
1000 - TD Bank Operating Account	102,627
Total Checking/Savings - Village Funds	102,627
1011 - TD Bank EECBG checking acct	73,393
1010 - TD Bank MSA Checking Account	19,236
1032 - Arden Building & Loan	25,724
1005 - ING Direct	101,161
1033 - Vanguard Money Market	268,156
Total Schroeder Bequest	395,041
1030 - Arden Building & Loan	12,009
1031 - Arden Building & Loan	586
TOTAL ASSETS	602,892
LIABILITIES	
2000 - Accounts Payable	1,219
2010 - Payroll Liabilities	660
Total Liabilities	1,879
FUND BALANCES	
Buzz Ware Renovation Fund	4,686
Lecture Series	12,009
J Schroeder Bequest	395,041
Memorial Garden	8,006
MSA	19,236
EECBG	73,393
Village - general fund	88,642
Total Equity	601,013
TOTAL LIABILITIES & EQUITY	602,892

\$4,000 committed towards FY12

UNAUDITED
FOR DISTRIBUTION
AND DISCUSSION
PURPOSES ONLY
FOR ARDEN
TOWN ASSEMBLY

Village of Arden
Statement of Financial Activity
3/25/11 - 1/21/12

	3/25/11-1/21/12	Budget	Footnotes	% to Budget
Revenue				
4000 - General Funds - Village	165,000	212,400		77.68%
4200 - Grants	1,800	-	1	
4800 - Bequest	500	-	2	
4510 - Franchise Fee Receipts	12,650	-		
4900 - Interest Income	813	-		
Total Revenue	180,763	212,400		85.11%
Expenses				
6000 - Payroll & Payroll Taxes	9,470	12,184		77.73%
6300 - Administrative Expenses	4,325	9,500		45.53%
6900 - Audit,Bkping,PR Expenses	53	6,000		0.88%
8000 - Committee Expenses	43,871	71,140		61.67%
8010 - Contributions & Donations	5,900	5,900		100.00%
Contingency Fund	-	9,500		0.00%
Capital, maintenance & repair fund	-	10,000		0.00%
8030 - Trash Service	57,859	72,000		80.36%
9000 - Debt Service	14,731	16,176		91.07%
Total Expense	136,210	212,400		64.13%
Surplus (deficit)	44,554	-		
Committee	Actuals YTD	Budget		
Advisory	-	200		0.00%
Archives	1,265	1,440		87.88%
Assessors	-	50		0.00%
Buzz Ware	-	7,000		0.00%
Civic	36,087	51,250		70.41%
Community Planning	-	1,000		0.00%
Forest	3,400	5,000		68.00%
Playground	3,000	3,000		100.00%
Registration	119	200		59.67%
Safety	-	2,000		0.00%
	43,871	71,140		61.67%
Footnotes:				
1) State of Delaware payment towards last fiscal years forrest committee expenses				
2) The estate of Wendy Degarmo gave a bequest of \$500 to the Village of Arden				

Village of Arden

UNAUDITED
FOR DISTRIBUTION
AND DISCUSSION
PURPOSES ONLY

Special Village Funds									
Buzz/Bare	Budget	% to Budget	Buzz renovation	Hamburger Lecture Series	J. Behrroeder Bequest	Memorial Garden	M&A	EECB	
02/01/11-02/01/12			02/01/11-02/01/12	02/01/11-02/01/12	02/01/11-02/01/12	02/01/11-02/01/12	02/01/11-02/01/12	02/01/11-02/01/12	
Revenue									
4000 - General Funds - Village	7,000	0.00%							
4010 - Donations	5,000		5,140	-	-	3,245	-		
4200 - Grant Revenue	-	40.11%		-	-	-	16,949	215,114	
4400 - Rentals	21,502	74.05%	-	-	-	-	-	-	
4600 - Interest Income	-	-	-	-	2,243	-	-	-	
Total Revenue	33,502	59.46%	5,140	-	2,243	3,245	16,949	215,114	
Expenses									
6000 - Payroll & PR Taxes	14,133	64.93%	-	-	-	-	-	-	
6200 - Administrative Expenses	155	105.88%	-	-	-	-	-	-	
6310 - Janitorial Supplies	917	89.57%	-	-	-	-	-	-	
6600 - Equipment Purchases	250	0.00%	-	-	-	-	-	-	
6800 - Audit/Billing PR Expenses	225	11.67%	-	-	-	-	-	-	
7100 - Utilities	9,537	58.81%	-	-	-	-	-	-	
7100 - Licenses/Permits/Fees/Amortizing	755	118.60%	-	-	-	-	-	-	
7100 - Renovations	1,000	0.00%	-	-	-	-	-	-	
7100 - Repairs & Maintenance	4,000	15.39%	-	-	-	-	-	-	
8000 - Program Expenses	2,800	35.03%	1,600	-	2,465	1,331	11,956	141,733	
Total Expense	33,502	54.23%	1,600	-	2,465	1,331	11,956	141,733	
Surplus (Deficit)	-	-	3,540	-	(222)	1,915	4,993	73,381	
4999 Carried forward fund balance			1,145	12,342	394,479	6,091	14,244	-	
Fund balance			4,686	12,342	394,257	8,006	19,236	73,381	
Balance Available for Grants					4,000				

Ordinance- # 15
ANNUAL REGISTRATION OF VACANT DWELLINGS AND
REGISTRATION FEES
Adopted January, 2012

I. Purpose. The purpose of this ordinance is to require the registration of all vacant dwellings and the payment of registration fees to assist Arden in protecting the public health, safety and welfare, as well as to encourage occupancy for civic engagement in the Village; to monitor the number of vacant dwellings, to assess the effects of the condition of those dwellings on the Village, particularly in light of fire safety hazards and unlawful, temporary occupancy by transients, including illicit drug users and traffickers, and to require of the leaseholder of such vacant dwellings their registration and the payment of related fees, and to promote substantial efforts to rehabilitate such vacant dwellings. The provisions of this ordinance are applicable to the leaseholder of such vacant dwellings as set forth herein.

II. Administration. The administration of the registration of vacant dwellings and the registration fee shall be facilitated by the Village Secretary and the Community Planning Committee.

III. Definitions. The following words and phrases shall have the meanings respectively ascribed to them as follows:

(A) Dwelling A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. ADUs [Accessory Dwelling Units] are considered a dwelling.

(B) Occupied: Any dwelling shall be deemed to be occupied if

1. one or more persons actually resides in all or any part of the primary dwelling or conducts a lawful business as the licensed business-occupant, or as the legal or equitable leaseholder/occupant(s) or tenant(s) on a permanent, nontransient basis, or any combination of the same or,
2. 100% of any leaseholder ADU's are occupied as described in section 1 or,
3. a leaseholder who maintains a dwelling for transient use shows evidence of continual periodic occupancy, such as leases, affidavits, or proof of insurance for this use.
4. Evidence offered to prove that a building is so occupied may include, but shall not be limited to, the regular receipt of delivery of regular mail through the U.S. Postal Service; proof of continual telephone, electric, gas, heating, water and sewer services, a valid business license, or the most recent, federal or state income tax statements indicating that the subject property is the official business or residence address of the person or business claiming occupancy.

(C) Vacant: A dwelling shall be deemed to be vacant if

1. no person or persons actually, currently resides in or conducts a lawfully licensed business, in any part of the building as the legal or equitable leaseholder or tenant-occupant(s), or leaseholder-occupants, or tenant(s) on a permanent, nontransient basis or,

2. less than 100% of any leasehold ADU's are occupied as described in section 1 or,
3. a leaseholder who maintains a dwelling for transient use has a period between occupancies of more than 12 months and/or cannot provide evidence of lease, affidavits or proof of insurance for this use.

(D) Leaseholder: A leaseholder of the premises or any lesser estate therein, a mortgagee, a vendee-in-possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm or corporation that is directly or indirectly in control of a building subject to the provisions of this section, and as set forth below.

IV. Applicability: The requirements of this ordinance shall be applicable to each leaseholder of residential property consisting of one or more vacant dwellings that shall have been vacant for more than one (1) year. Each such leaseholder shall cause to be filed a notarized registration statement, which shall include the street address and parcel number of each such vacant building, the names and addresses of all leaseholders. The registration fee(s) as required by subsection IV of this ordinance shall be billed by the Village Secretary in November and shall be paid by January 31 of each year. For purposes of this section, the following shall also be applicable:

(A) If the leaseholder is a corporation, the registration statement shall provide the names and residence addresses of all officers and directors of the corporation and shall be accompanied by a copy of the most recent annual franchise tax report filed with the secretary of state;

(B) If an estate, the name and business address of the executor of the estate;

(C) If a trust, the name and address of all trustees, grantors, and beneficiaries;

(D) If a partnership, the names and residence addresses of all partners with an interest of ten percent or greater;

(E) If any other form of unincorporated association, the names and residence addresses of all principals with an interest of ten percent or greater;

(F) If an individual person, the name and residence address of that individual person.

V. Registration statement and fees; local agent. If none of the persons listed, as above, is shown at an address within the state, the registration statement also shall provide the name and address of a person who resides within the state and who is authorized to accept service of process on behalf of the owners and who shall be designated as a responsible, local party or agent, both for purposes of notification in the event of an emergency affecting the public health, safety or welfare and for purposes of service of any and all notices or registration statements as herein authorized and in connection herewith. Registration shall be required for all vacant dwellings, and shall be required whenever any dwelling has remained vacant for more than one (1) year or more. In no instance shall the registration of a vacant building and the payment of registration fees be construed to exonerate the owner agent or responsible party from responsibility for compliance with any other building code or housing code requirement. One registration statement may be filed to include all vacant buildings of the owner so registering. The leaseholder of the vacant property as

of November 1 of each calendar year shall be responsible for the payment of the non-refundable registration fee. Said fee shall be billed by the Village and based on the duration of the vacancy as determined by the following scale:

- (i.) No fee for properties that is vacant for less than one year;
- (ii.) \$500.00 for properties that are vacant for at least one year but less than two years;
- (iii.) \$1,000.00 for properties that are vacant for at least two years but less than three years;
- (iv.) \$2,000.00 for properties that are vacant for at least three years but less than five years;
- (v.) \$3,500.00 for properties that are vacant for at least five years but less than ten years; and
- (vi.) \$5,000.00 for properties that are vacant for at least ten years, plus an additional \$500.00 for each year in excess of ten years.

VI. Appeal rights. The leaseholder shall have the right to appeal the imposition of the registration fees to the Village upon written notification to the Town Secretary no later than 30 calendar days from the date of the billing statement. On appeal, the leaseholder shall provide satisfactory objective proof of occupancy, as defined in section III.

VII. One time waiver of registration fee. The leaseholder shall have the right to a waiver of the imposition of the registration fees to the Village upon written notification to the Town Secretary no later than 30 calendar days from the date of the billing statement. A one-time waiver of the registration fee may be granted by the Village through a majority vote at the next regular meeting upon application from the leaseholder, within 30 calendar days from the date of the bill for the registration fee. Waivers may be granted by the Village if the leaseholder:

- (i.) Demonstrate with satisfactory proof that he/she is in the process of demolition, rehabilitation, or other substantial repair of the vacant dwelling; and
- (ii.) Objectively demonstrates the anticipated length of time for the demolition, rehabilitation, or other substantial repair of the vacant dwelling; or
- (iii.) Provides satisfactory proof that he/she was actively attempting to sell or lease the property during the vacancy period.
- (iv.) Has paid all past due vacant registration fees and all other financial obligations and/or debts owed to the Village which are associated with the vacant property.

With regard to an extension of a waiver only, the time period of the extension shall commence on the date of the written decision granting the extension and, in no event shall an extension exceed one year. An extension of a waiver shall only be granted once.

VIII. Delinquent registration fees as a lien. After the leaseholder is given notice of the amount of the registration fee due, except for those leaseholders that have properly perfected an appeal pursuant to subsection VI and VII above, and the owner fails to pay the amount due, said amount shall constitute a debt due and owing to the Village, and shall constitute a lien in accordance with Title 25, Section 2901 of the Delaware Code and the Village may commence a civil action to collect such the unpaid debt.

IX. Duty to amend registration statement. If the status of the registration information changes during the course of any calendar year, it is the responsibility of the leaseholder, responsible party or agent for the same to contact the Village Secretary within 30 days of the occurrence of such change and advise the Town Secretary in writing of those changes.

X. Violations; penalties. The failure or refusal for no reason of any leaseholder, or agent of a leaseholder acting on behalf of the leaseholder, to register a vacant dwelling or to pay any fees required to be paid pursuant to the provisions of this ordinance, within 30 days after they become due, shall constitute a violation and will be fined in the amount of \$100.00 for each failure or refusal to register, or for each failure or refusal to pay a required vacant dwelling fee, as applicable.

01/23/12

NOTES

